

REMARKS

The Office Action dated November 12, 2010 has been carefully reviewed and the foregoing Amendment and following remarks have been made in consequence thereof.

The rejection of Claims 7 and 8 under 35 U.S.C. § 112, second paragraph, as being indefinite is respectfully traversed.

In particular, Claim 7 and 8 have been amended to address the issues raised in the Office Action. As such, Applicants respectfully request the rejection of Claims 7 and 8 under Section 112 be withdrawn.

The rejection of Claims 1-6 and 8-32 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully traversed.

In particular, Claims 1, 11, and 28 have been amended to recite a “processor.” Further, with respect to Claim 8, Claim 8 clearly recites structural features and, contrary to the Examiner’s assertion, does not merely recite pieces of software. For example, at least each of “a patron management database,” “a plurality of wagering sites,” “a local player cache database,” “electronic gaming terminals,” and “a bonus engine” are structural features and not pieces of software.

As such, Applicants respectfully request the rejection of Claims 1, 8, 11, and 28 under Section 101 be withdrawn.

Claims 2-6 depend from independent Claim 1. When the recitations of Claims 2-6 are considered in combination with the recitations of Claim 1, Applicants respectfully request the rejection of Claims 2-6 under Section 101 be withdrawn.

Claims 9 and 10 depend from independent Claim 8. When the recitations of Claims 9 and 10 are considered in combination with the recitations of Claim 8, Applicants respectfully request the rejection of Claims 9 and 10 under Section 101 be withdrawn.

Claims 12-27 depend from independent Claim 11. When the recitations of Claims 12-27 are considered in combination with the recitations of Claim 11, Applicants respectfully request the rejection of Claims 12-27 under Section 101 be withdrawn.

Claims 29-32 depend from independent Claim 28. When the recitations of Claims 29-32 are considered in combination with the recitations of Claim 28, Applicants respectfully request the rejection of Claims 29-32 under Section 101 be withdrawn.

The rejection of Claims 1-8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,761,647 to Boushy is respectfully traversed.

Boushy does not describe or suggest “determining a worth of a player associated with the selected device based on an activity of the player at the wagering and point of sale devices at each of the sites; awarding the bonus to the player associated with the selected device based on the determined worth of the player,” as recited Claim 1, “a bonus server for awarding a bonus to at least one player associated with one of the gaming or point of sale devices at one of the sites when the accumulated count on the master server reaches or exceeds a random number, wherein the awarded bonus is based on a worth of the player determined from activity of the player at the wagering and point of sale devices at each of the sites,” as recited in Claim 7, or “a local player cache database capable of storing player information uploaded to the local player cache database from the patron management database, the local player cache database configured to randomly select one of the electronic gaming terminals when the local player cache database is randomly selected by the patron management database; and a bonus engine adapted to transmit a bonus to a player associated with the randomly selected electronic gaming terminal,” as recited in Claim 8.

Accordingly, for at least the reasons set forth above, Claims 1, 7, and 8, and dependent claims therefrom are submitted to be patentable over Boushy.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-8 be withdrawn.

The rejection of Claims 9-27 under 35 U.S.C. § 103(a) as being unpatentable over Boushy is respectfully traversed.

In particular, as mentioned above, Boushy does not describe or suggest the features recited in Claim 8 from which Claims 9 and 10 depend. Accordingly, for at least the reasons set forth above, Claims 9 and 10 are submitted to be patentable over Boushy.

Further, Boushy does not describe or suggest “awarding a bonus to the identified player responsive to play criteria on the pari-mutuel wagering event exclusive of outcome and based on a worth of the identified player determined from said wagering and purchasing data” as recited in Claim 9.

Accordingly, for at least the reasons set forth above, Claim 9 and dependent claims therefrom are submitted to be patentable over Boushy.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 9-27 be withdrawn.

The rejection of Claims 28-32 as being unpatentable over Boushy in view of U.S. Patent No. 6,210,275 to Olsen is respectfully traversed.

In particular, no combination of Boushy and Olsen describe or suggest “collecting, via a processor, within a central database data relating to player wagering and purchasing activity characterized by a selection by the player of a predicted outcome of a future event; storing within a database the selected outcome; awarding a payout to the player if the outcome is satisfied by a determination of the future event; and awarding a bonus to the player in association with the player wagering and purchasing activity,” as recited in Claim 28.

Accordingly, for at least the reasons set forth above, Claim 28 and dependent claims therefrom are submitted to be patentable over Boushy in view of Olsen.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 28-32 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Respectfully submitted,

/Kevin K. Jones/

Kevin K. Jones
Registration No. 56,809
ARMSTRONG TEASDALE LLP
7700 Forsyth Blvd., Suite 1800
St. Louis, Missouri 63105
(314) 621-5070